

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**ANDREA GROVE, individually and on
behalf of similarly situated individuals; and
CHRYSTINA WINCHELL, individually
and on behalf of similarly situated
individuals;**

Plaintiffs,

vs.

**MELTECH, Inc.; H&S CLUB OMAHA,
INC., SHANE HARRINGTON, and BRAD
CONTRERAS,**

Defendants.

8:20CV193

**AMENDED
CASE PROGRESSION ORDER**

This matter is before the Court following a status conference held by telephone with counsel for the parties on July 6, 2021. In accordance with the matters discussed during the status conference,

IT IS ORDERED that the Motion to Extend Time to Respond to Motion to Disqualify and for Sanctions (renewed) ([Filing No. 214](#)) is granted and the case progression order is amended as follows:

- 1) The deadline for Defendants to file a response to Plaintiffs' Motion to Disqualify and for Sanctions ([Filing No. 204](#)) is **July 26, 2021**.
- 2) The deadline for Defendants to file a response to Plaintiffs' Motion to Certify Class ([Filing No. 186](#)) is **August 2, 2021**.
- 3) The deadline for moving to amend pleadings or add parties is **August 2, 2021**.
- 4) The status conference scheduled for September 3, 2021, is cancelled.
- 5) The deadline to identify expert witness and to complete expert disclosures¹ for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), is **October 1, 2021**.

¹ While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

- 6) The deadline for completing written discovery under Rules 33, 34, 36, and 45 of the Federal Rules of Civil Procedure is **November 1, 2021**. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by **November 15, 2021**.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge on or before the motion to compel deadline to set a conference to discuss the parties' dispute, and after being granted leave to do so by the Court.

- 7) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is **December 1, 2021**. The maximum number of depositions that may be taken by the plaintiffs as a group and the defendants as a group is **eight (8)**.
- 8) The planning conference before the undersigned magistrate judge to discuss case progression, dispositive motions, the parties' interest in settlement, and the trial and pretrial conference settings is rescheduled from October 1, 2021, to **December 10, 2021, at 1:00 p.m. CST** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 9) The deadline for filing motions to dismiss and motions for summary judgment is **January 10, 2022**.
- 10) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **January 10, 2022**.
- 11) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 6th day of July, 2021.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge